IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 1448 of 2007(V)

PETITIONER:

D.VISWANATHAN NAIR, DRIVER GRADE II
(RTD), PEROORKADA DEPOT, RESIDING AT
`VINOD BHAVAN', IRAPPAKUZHI, KODAPPANAKUNNU P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.MURALI PURUSHOTHAMAN
SRI.P.M.BENZIR
SRI.DEEPU LAL MOHAN

RESPONDENTS:

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1. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED
BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF TRANSPORT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

R1 BY ADV.MR.JOHNSON P.JOHN, S.C., K.S.R.T.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC 1448/07

JUDGMENT

COUNSEL FOR THE PETITIONER SEEKS LEAVE TO WITHDRAW FROM THE WRIT PETITION WITH LIBERTY TO INSTITUTE FRESH WRIT PETITION. LEAVE IS GRANTED AND THE WRIT PETITION IS DISMISSED AS WITHDRAWN.

9.8.2007 SD/- PIUS C.KURIAKOSE, JUDGE.

SRD (TRUE COPY) P.A. TO JUDGE.

PIUS C.KURIAKOSE, J.

W.P.(C)NO.1448 of 2007

Dated this 12th day of January, 2007

JUDGMENT

Sri.Johnson P.John, the learned Standing Counsel takes notice for the respondent Corporation.

2. The grievance of the petitioner is that the KSRTC is not counting provisional service rendered by him in the Corporation for the purpose of quantifying his pensionary benefits. The Issue, I notice, is squarely covered by the judgment of this court in **Idicula Abraham v. KSRTC and others (2005 (2) KLJ 602).**

3. Accordingly, the writ petition will stand allowed. There will be a declaration that the petitioner is entitled to count the provisional service rendered by him along with the regular service for the purpose of counting the pensioanry benefits. In the light of the above declaration, there will be a further direction to the first respondent to disburse the petitioner all

the pensionary benefits including monthly pension, Commutted Value of Pension and DCRG by reckoning service rendered by him as provisional employee of the Corporation along with the regular service. Monetary benefits flowing out of the above declaration and direction will be released to the petitioner at the earliest and at any rate within two months of receiving a copy of this judgment.

PIUS C.KURIAKOSE
Judge

dpk